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Candace Havens
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MINUTES
July 28th, 2011
City Hall, Room 209

Meeting called to order at 7:40 p.m.

MEMBERS PRESENT: J. Hepburn, D. Dickson, J. Sender (Voting Alternate), N. Richardson as Acting Chair, and alternates, Barbara Huggins, Rich Gallogly, and Bob Unsworth; (Arrived late: D. Green at 7:52, R. Matthews at 8:00 p.m.)

MEMBERS ABSENT: I. Wallach, (Chair), S. Lunin

MEMBERS OF THE PUBLIC: See attached sign-in sheet

***NOTE:** Engineering reports for some projects available.

Cheesecake Brook wall repair NOI-DPW proposes to re-insert loose stones, and repair more extensive damage by excavating wall and behind wall, inserting drainage stone, re-building wall and cementing it, with drainage improvements

Report: DPW proposes work in the area of Cheesecake Brook within the area of the last pedestrian bridge and the confluence with the Charles River. Plan is excavation behind walls and in front of bridge abutments to repair eroded areas of wall and install stone beyond the current footprint of the wall to improve drainage (and reduce frost heaving). Road run-off currently is through asphalt swales or eroded channels formed perpendicular to the road and the stream. DPW will remove asphalt and re-configure swales parallel with the stream to slow the rate of run-off, improve infiltration, and potentially remove some road contaminants from the run-off. Still waiting on final plan and calculations of total alteration (including installation of new, or newly-configured drainage swales in riverfront area). Work should be an improvement to the resource area, if properly maintained. Recommend O&M plan be submitted, with letter from Parks & Rec acknowledging/willingness to maintain (mow?) swales as recommended.

Meeting: Project was presented by John Daghljan, Assistant City Engineer. He showed a PowerPoint presentation with pictures of the damage of washouts and erosion, and damage

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from frost-heaving along Cheesecake brook between the last foot bridge and the stream's confluence with the Charles. All work is in flood zone and/or land under water. Filter fabric and crushed stone will be placed behind the new (repaired) wall (about 2 ft wide) and the wall will be replaced. Drainage swales will be created parallel to the stream, working in 25-ft increments, so not blocking the stream. The work area will be surrounded by sand bags, with a by-pass pump used to pump water around the work. Interlocking concrete (pre-fabricated blocks) with a face designed to look like field stone to match existing material will be used to repair the wall. The work should take about 45 days. A mini-excavator will be stored on site. An excavator will be used to remove granite blocks and set segmental walls in place. Disturbed areas will be repaired with hydro-seeding or an erosion control blanket. Work may start in August. N. Richardson read recommendations of F. Nichols, Special Projects Engineer, into minutes. Env. Planner recommends an Operations and Maintenance Plan be submitted, and a letter from Parks and Recreation regarding maintenance of the swales by their personnel. Snow is sometimes stored along the banks. Work beyond the footprint of the wall is new work. A lot of vegetated area will be converted to non-vegetated area, and no mitigation is proposed. J. Daghlion submitted a follow-up memo (July 21) stating that Parks and Recreation will mow the swales and remove the clippings. DPW will post signs stating "no snow storage." Total length of repair is 225 ft (counting both sides of stream. Because new stone drainage behind walls is removal of vegetation, as much as 2 ft in width, plantings should be added to mitigate for removal of vegetation. D. Dickson asked about the Operations and Maintenance Plan, and advised that removing mown clippings from swales is not required. Questions and comments from neighbors were heard. **Motion to issue an OOC with standard conditions and special conditions of 1) DPW shall submit an Operations and Maintenance Plan, signed by both Parks & Recreation and DPW; 2) Env. Planner will work with DPW to plant 50 seedling trees (may obtain from Arbor Day Foundation); 3) recommendations of Engineering review to be incorporated:**

- 1. Details of the pump/filter and fore-bay system should be provided**
- 2. If the temporary material staging area is utilized for soil, then siltation control measures should be placed around these areas.**
- 3. Although indicated in the project narrative, the proposed erosion control blanket with grass seed should be noted on the construction plan.**

Motion seconded. Vote: All in favor. Motion passed.

Cheesecake Brook greenway fence replacement RDA-Planning proposal to replace existing 4 ft high fence and move part of it closer to the brook

Report: The application is to replace chain link fence along 2000 linear feet of Cheesecake Brook, along Albemarle Road from Eddy Street to Brookside Road and Watertown Street along the steep portion of the riverfront area, and back around the north side of Albemarle to about 453-455 Albemarle Road on the north side. The proposed work also includes moving 70 ft (our Engineering Dept. says it would be 140 ft) of fence 4 ft or so closer to the brook to allow snow plows coming down Harrington St. to push snow onto the bank so the plow can better turn the corner onto Albemarle. Near the gate neighbors have planted a garden (of non-natives) inside the fence on the bank. Moving the fence at the end of Harrington toward the bank will put 2-3 trees on City property at risk, including one especially large maple at the end of Harrington. The fence is already pressed up against this tree. Proponent notes that snow plowing is

damaging the fence. So, if the fence is moved, substantial vegetation would be cut or uprooted to re-position the fence, AND the trees at the end of Harrington, especially one big tree already up against the fence, will likely be damaged by the plow and eventually have to be removed. MA DEP policy is to provide 6" under fences to facilitate movement of wildlife (BUT there's no clearance under the existing fence), to preserve vegetation along riverfront, and not to store snow on riverbanks. Env. Planner suggests an alternative: interested parties should discuss with DPW to develop plowing plan to avoid the damage to the fence, rather than move the fence. Replacement of fence could then be considered "repair" of existing conditions.

Meeting: Danielle Bailey, Planning Department described the proposal. She said they want to move the fence to keep it from being damaged by snowplows. However, the fence is somewhat protecting the tree. D. Dickson asked what is the advantage to moving the fence, if the tree will just take the brunt of the damage. Moving the fence will also require cutting lots of vegetation. But, the neighbors say the vegetation is mostly non-native, and poison ivy. Neighbors help maintain the area with the bench and have hand-pulled a lot of Japanese knotweed from the area, as well as trash and dumped items. Planning is going to use Parks & Recreation fence contractor. Moving the fence closer to the resource area is new work, and it will put the fence closer to the bank (counter to the Riverfront Act requirements). The commission noted that this is work, moving the fence closer to the river, that might normally require a Notice of Intent. The commission asked if stronger fence posts could prevent the damage. The work is proposed to be done this fall, and no maintenance of the area is anticipated. D. Green suggested the commission should allow the project and ask for mitigation – but that is not something the commission can order under a DOA. The commission asked if D. Bailey would be willing to change her proposal to make sure the new fence is 6 " off the ground, and include mitigation plantings (to be worked out with Sr. Planner). **Motion to issue negative Determination of Applicability (#2) for the newly proposed work, including mitigation plantings to be worked out with Env. Planner and raising the fence 6 in off ground.** N. Richardson expressed concerns about snow on the bank. It was suggested the commission inform DPW they cannot store snow on the banks of streams. **Second. Vote: N. Richardson voted "nay," J. Hepburn abstained. D. Green, R. Matthews, and D. Dickson voted "aye."** **Motion passed.**

149 Pleasant St. Mason-Rice School NOI-PTO proposes to expand playground in riverfront **Report:** The PTO wants to enlarge the playground to install all new play equipment. Currently, it is located inside a loop of paved walkway between the bridge and the school, in the first 100 ft of riverfront (10.58(5)) to Hammond Brook. The playground is already partly on Parks & Rec Land, and the most they could do is move it to a different location along the river. Grass will be replaced with wood chips – which maintains permeability. So, though the storm water regulations apply, all work is in compliance with the storm water regulations (10.02(2)(b)2.a. through j.) Applicant offers to plant 3 Viburnums (or equivalent, agreed upon between applicant and Env. Planner) adjacent to the playground, as mitigation for loss of vegetation. Recommend issue OOC with standard conditions, including special conditions 1) All concrete wash-out to be contained and material removed from site, 2) all work to be conducted within a 24hr period during dry weather, 3) all excavated material to be completely removed from the riverfront area on the site, 4) 3 Viburnums (or agreed upon equivalent) to be planted adjacent to playground area no later than May 15th, 2012.

Meeting: Stephanie Lappin, Parks & Recreation, Kim Thurmon, Mason-Rice PTO, presented the project to expand a play area with all wood play equipment next to Hammond Brook. The playground is half on Parks & Rec land and half on Mason Rice property. The wooden play equipment is old and needs to be replaced. The enlarged playground area (expanded toward the building and parallel to the bank), will accommodate new play equipment and a handicapped ramp. The ground will be pervious, covered with bark mulch. The area now is about 498 sf of grassed lawn. There is a fence about 15-20 ft from the brook, and between the brook and the playground. The expansion is slightly further from the brook than the rest of the play area. The area between the fence and stream is well vegetated, with many maples, a few oaks, some bittersweet, and shrubs. The Viburnums would be planted here to improve habitat for birds. **Motion by D. Dickson to issue an Order of Conditions with the standard conditions and special conditions (above – read into minutes) pre-approved by applicant. Motion seconded by R. Matthews. Vote: All approved. Motion passed.**

Riverside Pedestrian Bridge NOI-MA DOT proposes to repair the pony-truss bridge and remove invasive vegetation in the 200 ft riverfront to the Charles and remove an asphalt landing in Newton.

Report: Applicant plans to stage work in Weston, remove superstructure and clean, repair & repaint there. Not clear if there is plan to protect river from debris as superstructure removed and replaced. Otherwise, land under water body (10.56) will not be affected. Applicant proposes to remove a small amount of asphalt landing at Newton end of bridge (riverfront area) and replace with gravel. Proposes to “remove” invasive vegetation (Asian bittersweet) with herbicides. Also will remove vegetation from bridge, itself. Minimal impact to riverfront area, land under water, bank. Extensive work on Weston side will be covered by an OOC issued by town of Weston. Recommend issue OOC with standard conditions and special conditions 1) any application of herbicides must be wicked or brushed on (no spraying), and 2) applicant shall install shielding underneath the bridge to be approved by Env. Planner prior to start of work as adequate for capturing debris that may be dislodged from bridge during work on decking.

Meeting: Beth Suedmeyer and Robbin Bergfors, MA DOT, presented the project, which has been issued an OOC by the Weston conservation commission. They explained the containment structure (which will be designed by the contractor) will not be in place (it would be in the way) while the superstructure is being removed and replaced. N. Richardson is concerned that loose paint, etc. will fall into the river when the superstructure is removed. The containment proposed is a corrugated steel platform (not like what was used on the lower falls bridge). The containment structure is primarily used to prevent materials from falling into the river when work on the decking is underway. During discussion of herbicide application, the commission asked for assurance that any application of herbicides would occur during the growing season and be accomplished by “wicking” or brushing it onto the plants, rather than by spraying. MA DOT representatives said the Order of Conditions would be made part of the contract. When asked about the timeline for the work, the response was that it would be advertised Sep.-Jan. of next year, with the entire year planned for construction. No night-time construction is proposed. **Motion was made to issue the Order of Conditions with standard conditions and two special conditions: 1) Herbicide application shall be conducted by wicking or brushing on of herbicide during the growing season, and 2) The shielding underneath the bridge shall be**

approved by Env. Planner prior to the start of work as adequate for capturing debris. Motion seconded. Vote: All in favor. Motion passed.

Charles River Dredging of Shaft 5 Blow-out material NOI-MWRA

Report: A coupling broke and Shaft 5 water main ruptured on May 1, 2010. Water from the break washed out approximately 9,000 sf of earth, pavement and vegetated ground. Much of this material was deposited into the Charles River and along the bank. The pipe was repaired within 3 days, and an Emergency Certification from Weston was issued to restore resource areas adjacent to the site. Under the Emergency, material immediately adjacent to the bank was removed from the river and the bank was restored. In October 2010, a Notice of Intent was filed in Weston for the prior work and sampling was conducted to try to determine the extent to which additional sediment from the washout could be identified and located within the channel. A bathymetric survey in and around the location was performed in Fall of 2009 by Department of Conservation & Recreation (MA DCR) in conjunction with planned filing of a NOI for repair of the pedestrian bridge (P35 located adjacent to the site). Newton Conservation Chairman and Env. Planner responded to a request from MWRA to do additional borings in Fall of 2010 with issuance of a letter permitting the work. A comparison of the findings indicated that from 2009 to 2010 (times bracketing the blow-out), two “sand bars” had formed offshore and slightly downstream from the site. The sediments could not be positively identified as coming from the Shaft 5 blow-out, but evaluation by hired consultant thought it likely the material was from the blow-out. After conducting a wildlife evaluation, the consultant did not conclude any harm was being done to the resource area. However, the Weston conservation commission (and Newton Env. Planner) agree that it is doing harm and should be removed by MWRA. Data does not support likelihood that MWRA sediments were deposited around Lasell dock (see letters in packet). The estimated amount of material to be removed is 40 cy (see plans in packet). All staging and work will be conducted from the Weston side of the river. The material is mostly located on the Weston side of the river, with only a small amount on the Newton side. The dredge pump will be operated from a float platform inside a floating silt curtain, and use a vacuum hose to remove sediment. The slurry will be filtered on the Weston side through “geotubes” (filter fabric containment) to capture the bulk of the sediment for removal from the site. Water seeping from the geotubes will be directed to catch basins with silt-sac inserts to further remove sediment. Down-gradient of the lowest catch basin, a temporary berm will be installed to allow water to pool and let remaining sediment settle before the water overflows across a grassed area, across coir (coconut fiber) logs, then back into the river.

Env. Planner asked applicant to obtain feedback from Fish & Wildlife regarding timing of proposed work, migratory (anadromous and catadromous) fish species, and location of fish ladders, and has reviewed the Weston OOC. Fish & Wildlife reply is that, provided a fish passage area is maintained, they will not require any restrictions. Therefore, I recommend Newton issue OOC for Newton work, referencing Weston’s OOC, and adding additional special condition to maintain free-flowing area around work so as to reduce disturbance to migratory and inland resident fish species during work. MWRA wants to do the dredging in August.

Meeting: Pam Heidell, introduced colleagues from MWRA and consulting firm. Supplemental information announced –new plan submitted to add dredging around Lasell. Michael Pelletier,

Green International, provided abutter notification receipts and said new survey in 2011 reflected on new plans, and stakeholder concerns discussed regarding another mound of sediment at Lasell boat house. MWRA has time constraints and needs to start work as soon as possible. New plan of river with additional dredging area around the dock at Lasell submitted. Michael Pelletier summarized chain of events leading up to this hearing. Following the water 10 in main break in Weston, and deposition of sediment on either side of pedestrian bridge, MWRA's contractor removed sediment under an Emergency Certification from Weston. Sediment was removed from a site near the bank, using a backhoe, then the bank was restored. Two mounds of sediment remain, designated area A & B. Department of Conservation and Recreation's contractor (GEI) had performed survey in 2009 in conjunction with proposed work on bridge, and re-surveyed in 2010, and performed borings, looking at grain size, color of sediments, etc. Green Intl. could not conclusively ID sediments from MWRA blow-out, but located mounds not present in 2009 (as well as some lower areas). Two mounds about 6 in deep will be removed with suction dredging from a barge. All work will be staged in Weston. In response to Charles River Watershed Association (CRWA) concerns and Lasell's requests, MWRA has decided to ask to remove additional material from around the Lasell docks. New volume is 80 cy of embankment (total 160 cy, over 6029 sf). Asked if Lasell sedimentation area not caused by MWRA, what is causing sedimentation. Response is that the river is always changing, and the pedestrian bridge and/or docks, themselves may be causing water currents to slow and drop sediments there. A portion of the river will be kept open for both fish and boat passage during all the work. Material around Lasell is organic muck. Using a vacuum pump to remove sediment, so that will help reduce turbidity. **Motion to issue OOC with standard conditions and five (5) special conditions:**

- 1) Proponent's contractor shall maintain a free-flowing area around the work to provide clear fish passage.**
- 2) The Newton OOC shall reference the Weston OOC, the 2011 MWRA bathymetric survey results, and the expanded proposal to remove material from around the Lasell docks on the Newton side, as supported by the Charles River Watershed Association and Lasell.**

Kate Bowdich, CRWA spoke at length in support of removing sediments from around the Lasell dock. Dave Jacques, Charles R. Canoe and Kayak said he was at Lasell when the break occurred. Marc Fornier, Lasell, spoke in favor of removing sediment around Lasell dock. R. Matthews continued, suggested additional conditions:

- 3) Within six (6) months following completion of work, a bathymetric survey shall be completed and submitted as part of the "as-built" plan for a Certificate of Compliance from Newton Conservation Commission.**
- 4) New plan submitted by MWRA at meeting, and including area to be dredged around Lasell dock and Newton bank shall be the new plan of record (with orange boom on Newton side).**
- 5) If the area to be dredged on the Newton side changes significantly, the Environmental Planner shall be notified prior to the start of work.**

Motion seconded. Vote: All in favor. Motion passed.

DCR Vegetation Management Plan RDA-Northern Tree Service requests confirmation of wetland delineation for herbicidal control of vegetation along DCR roads, paths, etc.

Report: Plans submitted consist of 3 aerials with too small a scale and insufficient detail for me to verify wetland delineation or where spraying occurs. Recent site visit along Quinobequin Road found skunk cabbage and BVW almost to edge of road in a couple of places. Recommend request wetland delineation and/or more detailed description of what areas will be sprayed, and/or site walk with proponent to observe and flag sensitive areas (none conducted so far).

Meeting: Mat Thurlow, DCR Division of Urban Parks, described the Vegetation Management Plan. DCR not spraying this year in Newton, but wants approval of its yearly operation plan (YOP), that says specifically which areas owned by DCR will be sprayed. Env. Planner said one of the areas listed is "Hammond Pond Reservation" and there is insufficient detail to know whether spraying occurs near a wetland. DCR intends to spray poison ivy near pedestrian walkways, to spray for aesthetic reasons on road medians, etc. Intent is partly aesthetic, partly to control damage to pavement, partly to get poison ivy. Applicant asked to provide with more detailed plan so some evaluation possible. The commission **continued the hearing to October 27th** with applicant's permission, for additional information: A more-detailed wetland delineation with spray zones shown on a plan/map, and time for site visit to proposed spray locations. Ellie Goldberg, in audience, said she represents Green Decade, and said she wants public informed, no spraying at all. The state views the spraying as maintaining existing structures. Ms. Goldberg said wetland boundaries change and railroads do not keep up the markings.

210 Nahanton St. RDA-Nahanton St. Condos cont. from June 23rd.

Report: Request to remove old pavement, re-grade road bed, and install new drainage structures in riverfront and/or buffer zone. Env. Planner requested new info – to see delineation of all wetland resource areas and distance from proposed work, and to show how proposed work met stormwater regulations. New plan submitted, dated 7-7-11 by CONECO, and revised plan dated 7-13-11, titled "Nahanton Woods Condominium Trust 210 Nahanton Street. Drainage structure(s) removed. Recommend the commission approve a negative Determination #2 & 3 (some work is in resource area – riverfront) w/condition that no work shall begin until erosion and sediment control inspected and approved by Env. Planner.

Meeting: Shane Olson, CONECO, with Paul Martin, Noblin Associates, to describe project. Plan revised 7-13-11 has the changes removing all drainage structures. Still doing CB repair and curbing repair, and adding rip-rap to stabilize small area on north side. Env. Planner noted she had provided recommendation against haybales, but filter sock acceptable or silt fence alone. Is there re-grading? Paul Martin says no re-grading –paving in good condition with no sinkholes. N. Richardson read recommendations by F. Nichols: Env. Planner inspect erosion and sediment control, specify area for stockpiling and no changes in grade. Engineer says no stockpiling. **Motion to accept modified proposal and plan dated 7-13-11 and issue a negative determination #2 and #3 with condition(s): 1) No use of haybales, 2) Env. Planner check and approve erosion and sediment control prior to start of work, 3) no grading changes. Motion seconded. Vote: All in favor. Motion passed.**

119 Harwich Rd. NOI- Proposal to demolish house and build new house in buffer zone

Report: During site visit with owner & consultant, Env. Planner agreed with delineation of wetland line (BVW) identified by flags WF3 and WF4 abutting applicant's property. Existing house of 1475 sf to be razed and replaced with house of 2303 sf about 15 ft closer to wetland

(closest distance proposed now 61.5 ft). Proposal includes removal of mature maples in back yard on east side. Applicant says trees in poor health because of winter moths, but all maples in area have heavy damage from winter moths this year, and proximity to wetlands probably enhances trees' ability to recover. One of the trees is in poor shape, and covered by heavy burden of English ivy. Env. Planner believes removal of maples will alter wetland by exposing it to drying effects of sun and wind, and remove cover and nesting habitat at edge of wetland. NOI says 4 trees to be removed. After discussion with applicant, plan revised to propose removal of 3 mature red maples in rear yard. Recommend issue OOC w/special conditions 1) protect trees designated to remain with padding and orange construction fence, and use compost tubes for erosion and sediment control to avoid damage to roots by trenching for installation of silt fence. See if applicant will agree not to trim low-hanging limbs of adjacent trees to protect wetland edge from some sunlight that will illuminate wetland when trees removed.

Meeting: Karen Catrone presented the project and presented amended plan. Env. Planner said revised plan has same date as last plan. She delineated red maple swamp. We moved flag #5, and that does not change project. Proposed tree removal is much closer to wetland border than house. Site fairly flat. Michele Grenier, botanist, said 3 trees heavily diseased by winter moths and owners want to remove them. One on the 25' line (from buffer), and others closer. One tree shedding bark. Commission asked what action is proposed to save trees remaining? M. Grenier says too late for some trees and proposes to plant new trees & shrubs. Env. Planner said owner can plant native trees and shrubs in buffer zone at any time, but she is concerned that infiltration chambers will be proposed and installed in back yard, affecting tree roots.

Motion to issue OOC with standard conditions and special conditions: 1) There shall be no stockpiling of material (excavated, fill or other materials) within the 100 ft buffer zone, 2) Any change in plan, including installation of infiltration chambers within the 100 ft buffer zone, shall require a prior request of the commission in writing, for permission to proceed. An amended Order of Conditions may be required, 3) Trees which are not approved for removal shall be protected at the drip line by orange construction fencing to prevent damage to roots, trunk or branches during construction, 4) No tree clippings or chippings from cut trees may be placed in the wetland or in the 100 ft buffer zone, 5) Erosion and sediment control shall not include use of haybales or silt fence or other materials which must be entrenched to work properly; instead, applicant shall install bark- or compost-filled tubes, which shall serve as the limit of work on the house. Motion seconded. Vote: All in favor. Motion passed.

100 Suffolk Rd. RDA- Renovation of existing deck and existing sunroom in 100 ft buffer zone to bordering vegetated wetland-continued for additional information to July 28th

Report: At last meeting, suggested request additional information: 1) applicant be asked to document that mowing activity and extent of mowing pre-dated WPA, 2) soil logs and plant data sheets be submitted, and 3) site visit with whomever did delineation to observe soil samples. Applicant has submitted soil logs and plant data sheets (no site visit) and aerials that appear to show mowing of wetland pre-dates WPA, and is thus, "grandfathered."

Regarding work as proposed, recommend: 1) negative determination #3, with conditions a) any proposed foundation work shall require a written request to Commission whether NOI is required, b) no stockpiling off of driveway area, and any stockpiling must be covered with tied-down tarps, c) orange construction fencing to be placed no farther than 15 ft from rear of

house to prevent any incursion of equipment, and shall be approved by Env. Planner's prior to start of work. **Recommend no positive determination on wetland delineation as no confirmatory site visit with consultant was conducted, and owner is mowing 20-25 ft onto CC (Houghton Garden) property, a portion of which is delineated as wetland by EcoTec.** Env. Planner recommends Law Dept (and/or Planner) send letter, and require **no further mowing on CC property and request installation of permanent bounds along rear property line.**

Meeting: Joe Porter, VTP Associates, presented for owner. He said the yard area was mowed since 1978 or earlier. He said he will install rebar with orange caps in the lawn area (not on sides of yard where wooded) at rear property boundary, so that landscapers can see where to stop mowing. **Motion to issue negative determination #3 with condition that foundation work (disturbance of soils) will require owner to come back with written request for the alteration so the commission can determine whether a NOI is required. Commission does not confirm delineation, and cannot use this plan to confirm delineation. Motion seconded.**

Vote: All in favor. Motion passed.

Motion for Env. Planner to send letter to applicant to cease and desist mowing in wetland/conservation land. Motion seconded. Vote: All in favor. Motion passed.

Lot 5 Kessler Woods Amended NOI-Proposal to increase the amount of impervious area in riverfront and in the 100 ft buffer to bordering vegetated wetland by ~ 100 sf

Report: The building envelope is in riverfront and buffer to bordering vegetated wetland. Mr. Porter calculated that overall alteration of riverfront area will not exceed 10%, and proposed work falls within all previous agreed upon limits. An existing retaining wall between the retention basin and the down-slope BVW was built to hold soil in place around the down-slope side of the detention basin. Owner of Lot 5 wishes to extend the retention wall across the back of his property within 20 ft of BVW. Although I believe the wall, as currently configured may present drainage problems for the homeowner, the wall may help prevent surface run-off from a fertilized lawn going almost directly into the BVW. I am worried about construction of the wall so close to the BVW. There is still decaying haybale material and silt fence below another wall (along the driveway in front of Lot 8. I recommend special conditions, 1) surveyor be required to stake the downhill edge of the wall in the field, prior to the start of construction, 2) silt fence shall be embedded no farther than 5 ft off the stake line, 3) wall shall be constructed prior to other work on the lot, 4) if sub-surface drainage pipe is installed through the wall, no run-off from the lawn may tie directly in to the pipes (i.e., no un-filtered lawn run-off may be piped to the wetland), and 5) **All other conditions of OOC for Kessler Woods shall apply.**

Meeting: Joe Porter, VTP Associates present, and homeowner(s) Yury Shpektor and Inna Shpektor, as well. New plan and site report submitted 7-28-11. It corrects calculations, and now shows increase of 285 sf additional impervious surface in riverfront, and addressed other comments(s) from Newton Engineering department. 2440 sf was approved under original filing; proposed in riverfront (including patio not previously approved, is now 2725 sf. Surveyor says storm water is adequately addressed, and all other conditions of original OOC are met. Big increase is in driveway, but it is outside riverfront area. Wall extended at same height. J. Porter says all rear wall approved under original OOC. **Motion to issue OOC with above conditions. Motion seconded. Vote: All in favor. Motion passed.**

61 Verndale Rd. Amended NOI-Proposal to change grading for compensatory flood storage

Report: Applicant placed structures constituting fill in flood zone and was advised by Planner he could file a Notice of Intent (after-the-fact) and keep structures, if he can meet State and local requirements for compensatory flood storage. Applicant submitted plan just before the June deadline to complete the construction of compensatory flood storage at rear of lot, but plan did not meet the regulations to provide incremental compensatory flood storage for fill at each elevation where placed. New plan submitted, as in previous plan shows calculation for amount of compensatory flood storage which includes “credit” for small amount of fill removed under previous OOC (this cannot be counted in the calculations, as it was part of the “existing conditions” at the time the unauthorized fill was placed). More importantly, this plan, as in previous plan, also does not meet the requirement for incremental compensatory flood storage at each elevation of fill, and Planner cannot recommend approval. Engineering verbal comments concur (written comments not available in time to include in packet).

Meeting: K. Srinivasa submitted new plan via email, now submitted as new full-sized plan. Proposal to connect rear compensatory storage area with lower elevations by French drain containing perforated pipe that runs from near street to rear area. Receipts for abutter notifications were submitted. DEP comments say they do not have plan or file number. Env. Planner asked about deadline for completion of work, and said there should be an operations and maintenance plan. **Motion to issue OOC with condition of maintenance plan to be submitted and approved for French drain prior to issue of COC, with project to be completed by December 5th, or the end of 2011, latest. Motion seconded. Vote: All in favor. Motion passed.**

483 Dedham St. Charles R. Country Club – 4 expired OOCs –Needs Direction

Report: The following 4 “reports” on outstanding OOCs for Charles River Country Club were submitted at my request (and were in your packets for May). No action was taken, and they are looking for direction:

Meeting: Env. Planner indicated the Country Club wants conservation commission “input” on these 4 open Orders. **Motion made to adopt Anne’s recommendations for addressing these. Motion seconded. Vote: All in favor. Motion passed.** Since deadlines (below) are now so near, Env. Planner will adjust appropriately.

483 Dedham St. CRCC 239-449 Pump Station-Applicant submitted update

Report: This OOC was issued 11-12-2002. I performed a site visit in 2007/2008, at which time the silt fence and haybales had still not been removed (the haybales had pretty much rotted in place), and not all the mitigation plants were installed. At that time I noted 1) no proof the OOC has been recorded, 2) no as-built submitted, and 3) additional plantings still needed. CRCC reports: “the work is completed except for planting of two holly ...which was twice attempted without success.” Holly trees were not on the planting list, and I OK’d planting white pine, instead, in 07/08. Recommend CRCC should provide proof of recording by August 1, and complete application for COC for September meeting.

483 Dedham St. CRCC 239-400-15th Fairway work in wetlands

Report: Order issued in 1999. Do not see extension to cover gap from 2002. Extended in 2003 to 2006 (no proof extension was recorded). Proposed channel excavation to remove sediment and vegetation, drain line repairs, replacement of existing wooden bridge with stone arch

bridge and installation of monitoring wells to monitor ground water elevations. (See reports in packets). Baseline monitoring wells not installed, but EcoTec says not needed. Invert of culvert under stone bridge is 6" in higher than proposed. EcoTec says "not an adverse impact." Recommend applicant close out this file. Commission just issued new OOC for this (15th Fairway area). Applicant needs to provide date when as-built, etc. will be submitted (with proof of recording for OOC and extension).

483 Dedham St. CRCC 239-364—Various work in wetland under "Watershed Management Plan"

Report: This OOC was issued 7-6-1999, and calls for annual reports to the Commission on work done. I can find no annual reports subsequent to issue of this Order. In 2004, CRCC requested a COC, and was denied. The Commission requested the Club's civil engineer review the engineered structures that were completed and write a letter discussing their installation and condition. They also requested staff do a site visit to be sure work reported as not done was not begun. The "techniques" to manage resource areas described in the Order includes: use of herbicides, i.e. Rodeo, removing sediment from ponds (maintenance dredging), repair of outlets, bank stabilization with rip-rap, water draw-downs and monitoring of the pond for vernal species. This needs updating and annual reporting to Commission --- no reports in file. Eco-Tec says most of work not done, OOC NOT RECORDED, ORIGINAL OOC MISSING – ECOTEC SAYS NO AS-BUILT NEEDED. Commission may certify copy of OOC for recording, and require all documents necessary for COC be submitted by September filing deadline. Alternatively, since OOC was never recorded, Commission may require a new filing be submitted "after-the-fact" for work done without a valid permit, showing all work on new plan in time for October meeting. Any submission should document, year by year, exactly what work was performed in wetlands.

483 Dedham St. CRCC 239-362 – Drainage work on 8th Fairway , including installation of pipe to eliminate erosion and prevent flooding of 8th Fairway, move path in buffer zone, and daylight 50 ft of Lacy Brook.

Report: OOC issued 2-8-1999. Order WAS recorded. Flooding caused by pond that overflows-pond receives piped water from parking lot. EcoTec reported to Martha in email dated 25 Sep 2003: "The vast majority of the work has been completed while the Order was valid. The Order has since expired." A COC was requested in 2004 for paving of cart path, installation of culverts, rip-rap bank, construction of berm, dredging, and day-lighting of Lacy Brook. Mitigation plantings along Lacy Brook not done, because they needed ponded water/wet soils, and Lacy Brook has high gradient so quickly runs downhill with no ponding. No alternative plantings were offered. The Commission denied the request for a COC – no as-built plan submitted.

Since work not valid if OOC not recorded, Commission may certify copy of OOC for recording, and require all documents necessary for COC be submitted by September filing deadline. Alternatively, since OOC was never recorded, Commission may require a new filing be submitted "after-the-fact" for work done without a valid permit, showing all work on new plan in time for October meeting. Any submission should document, year by year, exactly what work was performed in wetlands.

Violations (new and updates):

73 Beaconwood Rd. EO-Ratified at last meeting and amended to remove fill in 30 days

Report: Owner filed for injunctive relief and Law Dept. filed to have EO enforced. The judge denied the City's request to enforce EO on the basis we had not demonstrated there is wetland there.

320-322 Needham St. EO –Env. Planner will have letter ready by September.

75-85-95 Wells Av. Violation-Improper snow disposal- nothing new.

193 Oak St. Village Condos EO – O&M plan to be approved-nothing new.

Certificates of Compliance:

Charles River dock expansion-Charles River Canoe & Kayak

Report: As-built plan (unstamped) submitted; original plan was also unstamped. I am told that work has been conducted after OOC expired, and configuration does not conform to original plan – I have not had time to do site visit and review with owner.

Meeting: Dave Jaques, co-owner present. He said extension A' put in with no permit (expired?), and B' (on plan in packet) was put in when there was really low water, and needed to extend the dock out farther. Commission indicated a stamped as-built plan prepared by engineer was needed and no COC until additional information. Continue to Sep. 22 and Env. Planner needs site visit.

Riverside MBTA Station- No as-built or letter submitted.

Report: No site visit conducted. Applicant has asked to continue to September 22.

Meeting: Commission agreed to continue.

3 Fuller Ave.-Applicant has submitted as-built plan, but lot had not been stabilized. Applicant wanted sign-off from conservation for Certificate of Occupancy. CC agreed to accept bond as surety for permanent stabilization of lawn (and removal of pipe under driveway). Bond of \$1000 was posted. Lawn area now permanently re-stabilized and applicant asks for COC and refund of bond. Planner recommends issuance of COC and refund of bond.

Meeting: The commission did not take this up for discussion.

Discussion/Reports:

Hammond Pond improvements- Vote to accept/request **Shaw's Donation of \$150,000** – Commission vote to request funds – Env. Planner to invite representatives from MA DOT, Shaw's, Engineering.

Meeting: The commission decided to postpone this discussion to September 22nd.

Flowed Meadow – Vote to return funds to CPC for study of boardwalk in Flowed Meadow. Env. Planner had previously reported to commission that there are a number of issues that would make such a project very expensive and difficult, and that further study would likely not change this finding.

Meeting: Motion made to return funds to CPC. Motion seconded. Vote: All in favor.

Proposed Eagle Scout Project – Noah Carlen proposes to re-open access path to Helen Heyn Conservation Area

Meeting: Commission members indicated they would be happy to entertain Mr. Carlen's proposal.

31 Selwyn Rd. OOC –DEP will issue Superseding OOC- Aug. 3, 11 am SITE VISIT W/DEP.

Announcements & General Business:

May 26th, 2011 Meeting Minutes re-visited – did not include vote to return CPC funds for feasibility of boardwalk at Flowed Meadow – not in notes, so not sure if vote occurred- need to correct minutes?

Meeting: Commission declined to take up the subject.

June 23, 2011 Meeting Minutes for approval.

Meeting: Motion made to approve minutes. Motion seconded. Vote: all in favor. Motion passed.

Motion to adjourn. Motion seconded. Vote: All in favor. Meeting adjourned.

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner